IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

Crl.MC.No. 297 of 2007()

CRMP.1077/2006 of SESSIONS COURT, MANJERI
CRIME NO. 658/04 OF PERINTHALMANNA POLICE STATION

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PETITIONER:

MADATHODI ANWAR @ ANWAR SADATH @ MANI,
S/O.MOHAMMADUPPA, DUBAIPADI, PONNIAKURSSI,
PERINTHALMANNA, MALAPPURAM DISTRICT.

BY ADV. SRI.DEVIDAS.U.K

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE, PERINTHALMANNA,
THROUGH GOVERNMENT PLEADER, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 13/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 297 of 2007

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Dated this the 13th day of February, 2007

O R D E R

The petitioner faces allegations, inter alia, under Section 304 r/w. 149 I.P.C. He was released on bail subject to conditions. The conditions oblige him not to leave State of Kerala without the permission of the Court and to produce the passport before the learned Magistrate. The passport has been produced. The petitioner now wants return of the passport to facilitate obtaining of VISA to seek employment abroad. The petitioner moved the learned Magistrate for modification of the conditions. The conditions that the passport must be retained in Court and that he should not leave the State of Kerala without the permission of the court were not deleted. Aggrieved by that order the petitioner has come to this Court with this petition.

2. The learned Prosecutor does not oppose the prayer for release of the passport to facilitate obtaining of VISA, but prays that the presence of the petitioner for trial may be insisted and ensured. I am, in these circumstances, satisfied that the passport can be released

to the petitioner, but the condition that the petitioner shall not leave the State without obtaining prior permission of the Court, before which the case against him is pending, shall remain in force.

3. This Crl.M.C. is allowed in part to the above extent.

(R. BASANT)
Judge

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